

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Donald A. Lord,

Plaintiff,

-against-

City of New York et al.,

Defendants.

1:20-cv-03890 (LTS) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Pending before the Court are Defendants' Letter Motions to compel Plaintiff to provide an executed HIPAA authorization form and to respond to outstanding discovery requests.¹ (Core Defs.' Letter Motion, ECF No. 162; Project Renewal Defs.' Letter Motion, ECF No. 167; City Defs.' Letter Motion; ECF No. 168; Joint Letter Motion, ECF No. 171; *see also* Status Report, ECF No. 170.) Also before the Court is Plaintiff's request for an extension of time to complete discovery. (See Pl.'s 1/1/2023 Email (requesting 6-month extension of discovery).) Defendants' Letter Motions are GRANTED IN PART and DENIED IN PART and Plaintiff's request is GRANTED IN PART and DENIED IN PART as follows:

1. No later than Wednesday, January 11, 2023, Defendants shall email to Plaintiff, at both the email on the ECF docket and to arthurbad66@gmail.com (*see* Pl.'s 1/1/2023 Email (sent from arthurbad66@gmail.com email address)), a HIPAA authorization form on behalf of all Defendants, for the release of Plaintiff's complete medical records for the

¹ Plaintiff's response to Defendants' motions was due by December 30, 2022. (*See* Order, ECF No. 169.) Although the copy of that Order that was mailed to Plaintiff was returned, the Court had also emailed an electronic copy to Plaintiff. Plaintiff did not file a response to Defendants' motions, but did email counsel for Defendants on January 1, 2023. (*See* Pl.'s 1/1/2023 Email, ECF No. 171-1.)

period January 1, 2016 through the present. **No later than Wednesday, January 18, 2023,** Plaintiff shall return the executed HIPAA authorization form to Defendants.

2. **No later than Wednesday, January 25, 2023,** Plaintiff shall provide to Defendants copies of any documents responsive to Defendants' document requests (see ECF Nos. 163-1, 167-1 and 168-1) OR a statement indicating that he has no responsive documents in his possession, custody or control. (See, e.g., Pl.'s 1/1/2023 Email (stating that he lost everything he owns and is unable to access previously saved documents).)
3. Defendants' request to compel Plaintiff to respond to interrogatories is granted to the limited extent that such interrogatories seek names of witnesses and the computation of damages. See Local Civ. R. 33.3. Accordingly, no later than Wednesday, January 11, 2023, the respective Defendants shall email to Plaintiff (to the email addresses above) the following interrogatories in a separate document: Core Defs.' Interrogatories Nos. 14, 15 and 22 (see ECF No. 163-1); Project Renewal Defs.' Interrogatories Nos. 4 and 14 (see ECF No. 167-1); and City Defs.' Interrogatories Nos. 3, 10 and 11 (see ECF No. 168-1). **No later than Wednesday, January 25, 2023,** Plaintiff shall provide sworn responses to the foregoing interrogatories.
4. No later than Friday, January 27, 2023, Defendants shall file a letter to the ECF docket advising the Court as to Plaintiff's compliance with this Order. The Court, in its discretion, declines to impose sanctions at this time. (See, e.g., Joint Letter Motion at 1-2.) However, Plaintiff must pay careful attention to the deadlines set forth in bold and underlined above. Plaintiff is warned that failure to provide an executed HIPAA form or other required discovery by the specified date will result in a recommendation to the District


Judge that his case be dismissed for failure to prosecute and/or failure to comply with Court Orders and discovery obligations. *See Komatsu v. City of New York*, No. 20-CV-10942 (VEC) (RWL), 2022 WL 1446545, at *11 (S.D.N.Y. Apr. 21, 2022), *report and recommendation adopted*, 2022 WL 2188170 (S.D.N.Y. June 17, 2022) (dismissing case when plaintiff repeatedly failed to comply with discovery obligations, including failing to return fully signed HIPAA release); *Mejia v. N.Y.P.D.*, No. 16-CV-09706 (LJL), 2021 WL 5450345, at *7 (S.D.N.Y. Nov. 22, 2021) (same).

5. Plaintiff's request for an extension of time to complete discovery is granted in part. The Court hereby extends the deadline for the completion of all discovery, including Plaintiff's deposition, until February 28, 2023. Further extensions shall be granted only for good cause shown and then only for a limited purpose.

A copy of this Order will be emailed to Plaintiff (to the email addresses above) by Chambers.

SO ORDERED.

Dated: New York, New York
January 9, 2023



STEWART D. AARON
United States Magistrate Judge